

**TENTATIVE AGENDA
STATE WATER CONTROL BOARD MEETING
THURSDAY, DECEMBER 4, 2003
HOUSE ROOM 4, CAPITOL BUILDING
CAPITOL SQUARE
RICHMOND, VIRGINIA**

Convene - 9:00 A.M.

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|-------------|---|--|---|
| I. | Permit Terminations
City of Martinsville Water Purification Plant (WCRO) | van Soestbergen | A |
| II. | Significant Noncompliance Report | O'Connell | B |
| III. | Consent Special Orders - Cancellations
Town of Chilhowie STP (SWRO)
Town of Hillsville Aerated Lagoon (SWRO)
City of Franklin (TRO) | O'Connell | C |
| IV. | Consent Decree Cancellation
Sanitary Board of Bluefield, Westside STP (SWRO) | O'Connell | D |
| V. | Consent Special Orders - Virginia Pollutant Discharge Elimination System Permits
Northern Regional Office
Basham Simms Wastewater Facility (Purcellville)
Cecil's Service & Equipment STP (Fauquier Co.)
Stafford Regional Airport (Stafford Co.)
Valley Regional Office
Glenn M. Koogler (Rockbridge Co.)
Pilgrim's Pride, Inc. (Rockingham Co.)
AquaSource Utilities, Inc. (Lake Monticello) (Fluvanna Co.)
West Central Regional Office
S&S Construction, LLC (Blacksburg)
Suncrest Heights STP (Roanoke Co.)
South West Regional Office
Town of Big Stone Gap
Town of Pocahontas
Wolfden Dairy Farm (Abingdon)
Tidewater Regional Office
Atlantic Wood Industries, Inc. (Southampton Co.)
Eagle Harbor Shopping Center, L.L.C. (Isle of Wight Co.) | Crosier

Liggett

Steele

Sizemore

Nold | E |
| VI. | Consent Special Orders - Virginia Water Protection Permit Program/Underground Storage Tanks
Tidewater Regional Office
Rhonda Chase (York Co.)
Piedmont Regional Office
Raymond Strange/Willis Road Shell (Richmond) | Nold

Golden | F |

VII. Regulations - Proposed

WQS - Tier III Waters - Ragged Island Creek	Gregory	G
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VIII. Regulations - Final

Underground Storage Tanks: Technical Standards	Barnett	H
Financial Responsibility Requirements for Tidal Dredging	Gilinsky	I
Sewage Collection and Treatment Regulation	Gregory	J
Technical Correction to the Water Quality Standards	Daub	K

IX. Public Forum

X. Other Business

Revolving Loan Fund - FY2004 Loan Funding List	Gills	L
Report on Criminal Enforcement Activities	Mayer	
Future Meetings (March, 2004)	Berndt	

ADJOURN

NOTE: The Board reserves the right to revise this agenda without notice unless prohibited by law. Revisions to the agenda include, but are not limited to, scheduling changes, additions or deletions. Questions arising as to the latest status of the agenda should be directed to Cindy M. Berndt at (804) 698-4378.

PUBLIC COMMENTS AT STATE WATER CONTROL BOARD MEETINGS: The Board encourages public participation in the performance of its duties and responsibilities. To this end, the Board has adopted public participation procedures for regulatory action and for case decisions. These procedures establish the times for the public to provide appropriate comment to the Board for their consideration. In light of these established procedures, the Board accepts public comment on regulatory actions and case decisions, as well as general comments, at Board meetings in accordance with the following:

1. REGULATORY ACTIONS (adoption, amendment or repeal of regulations): For regulatory actions, public participation is governed by the Administrative Process Act and the Board's Public Participation Guidelines. Public comment is accepted during the Notice of Intended Regulatory Action phase (minimum 30-day comment period and one public meeting) and during the Notice of Public Comment Period on Proposed Regulatory Action (minimum 60-day comment period and one public hearing). Notice of these comment periods is announced in the Virginia Register and by mail to those on the Regulatory Development Mailing List. The comments received during the announced public comment periods are summarized for the Board and considered by the Board when making a decision on the regulatory action.

Comments on the regulatory action are not allowed at a Board meeting while a regulatory action is being processed in accordance with the Administrative Process Act. In rare instances the Board may (at a Board meeting) vote to reopen the public comment file on the regulatory action. If this happens, individuals may address the Board for up to 2 minutes on material previously submitted to the Board. Should the Board decide to accept new information on a regulatory action, an additional public

comment period will be announced by the Department in order for all interested persons to have an opportunity to participate.

2. CASE DECISIONS (issuance and amendment of permits and consent special orders): The Board also makes case decisions. For case decisions, the Board adopts public participation procedures in the individual regulations which establish the permit programs. As a general rule, public comment is accepted on a draft permit for a period of 30 days. If a public hearing is held, there is a 45-day comment period and one public hearing. If a public hearing is held, a summary of the public comments received is provided to the Board for their consideration when making the final case decision. Public comment is accepted on consent special orders for 30 days.

Comments on pending case decisions at Board meetings are only accepted when the Board is considering final action on the case decision. At that time the Board will allow up to 15 minutes for the applicant/owner to make his complete presentation on the pending decision. The Board will then, in accordance with § 2.2-4021, allow others who participated in the prior proceeding (i.e., those who attended the public hearing or commented during the public comment period) up to 2 minutes to exercise their right to respond to the summary of the prior proceeding presented to the Board. The Board will not accept new information at the meeting. Should the Board decide to accept new information, a public comment period will be announced by the Department in order for all interested persons to have an opportunity to participate.

No public comment is allowed on case decisions when a formal hearing is being held.

3. PUBLIC FORUM: The Board schedules a public forum at each regular meeting to provide an opportunity for citizens to address the Board on matters other than pending regulatory actions or pending case decisions. Anyone wishing to speak to the Board during this time should indicate their desire on the sign-in cards/sheet and limit their presentation to not exceed 2 minutes.

The Board reserves the right to alter the time limitations set forth in this policy without notice and to ensure comments presented at the meeting conform to this policy.

Additional Information: For additional information or questions on the adopted public participation procedures for regulatory actions and pending case decisions, contact Cindy M. Berndt at (804) 698-4378.

PERMIT TERMINATIONS: City of Martinsville Water Purification Plant.

SIGNIFICANT NONCOMPLIANCE REPORT: Four major facilities were reported to EPA on the Quarterly Noncompliance Report (QNCR) as being in significant noncompliance (SNC) for the quarter ending September 2003. The facilities and their reported instances of noncompliance are as follows:

Town of Purcellville, Basham Simms Wastewater Facility: Failure to Meet Effluent Limits (Ammonia Nitrogen, Kjeldahl Nitrogen), January through April and June and July, 2003. Evaluation of the facility's treatment systems has identified the cause of the violations to be, in part, high flows due to wet weather from heavy rainfall* and melting snow and, cold temperatures during the winter months. In addition, the system evaluation identified design deficiencies in the facility's flow equalization system that also impaired the facility's nitrification processes by reducing treatment time. The town has executed a consent special order that requires a retrofit of the facility to correct design deficiencies. The order is being presented for its approval at the December Board meeting.

Town of South Boston, South Boston WWTP: Failure to Meet Effluent Limits (TSS, BOD), April through June and August and September, 2003. The facility's violations appear, in part, due to hydraulic overloading* of the plant, possibly caused by infiltration and inflow into the plant's collection system. The Town has begun an evaluation of the plant's collection system. The staff of the Department's South Central Regional Office is drafting a consent order requiring South Boston to complete the study and perform necessary system repairs.

Alexandria Sanitation Authority: Failure to Meet Effluent Limit (TSS), September 2003. The facility is subject to a court order that requires compliance with all permit effluent limits for a period of twelve consecutive months. Absent that requirement the facility's single violation in September would not have been sufficient to require SNC listing. The discharge violation has been attributed to the effects of Hurricane Isabel. The foregoing being the case the staff does not anticipate the necessity for enforcement action to address the violation.

City of Roanoke: Failure to Meet Effluent Limit (Kjeldahl Nitrogen), July and August 2003. Since 1992 the facility has been subject to various administrative orders that required corrective action to address infiltration and inflow (I&I) in the facility's collection system. Currently I&I has increased to the extent that the facility's treatment capabilities have apparently been adversely affected. Staff of the Department's West Central Regional Office are evaluating the appropriate course for enforcement action.

* Note: NOAA's records indicate that, of the 109 years that the agency has been collecting data, the 12 months ending July 2003 have been the 108th wettest in history for Virginia.

CONSENT ORDER CANCELLATIONS: Town of Chilhowie STP, Town of Hillsville Aerated Lagoon and City of Franklin

CONSENT DECREE CANCELLATION: Sanitary Board of Bulefield

Basham Simms Wastewater Facility, Town of Purcellville. Consent Special Order - Issuance. The Town of Purcellville constructed the new Basham Simms Wastewater Facility ("Facility") with a rated design capacity of one million gallons a day, activated sludge technology, and biological nutrient removal pursuant to an Order issued on April 13, 1999, and amended December 17, 2001. The amended Order required that Purcellville bring the new Facility on-line by March 1, 2002, and that the new Facility achieve compliance with final Permit effluent limits by May 1, 2002. After a brief delay caused by unforeseen equipment failures that occurred prior to startup, Purcellville was able to bring the new Facility on-line by April 1, 2002. The new Facility began achieving compliance with final Permit effluent limits in June 2002 and continued in compliance until December. In December 2002 and January 2003, the Facility began exceeding permit effluent limits for ammonia. In late January, Purcellville employed consultants who began evaluating the Facility's treatment systems in order to identify the cause of the exceedences. Based on the evaluations, the Town implemented immediate operational changes at the Facility including, among other things, altering the chemical and biological systems to enhance solids settling and the biological removal of nitrogen and phosphorus. These changes improved the Facility's performance but were not sufficient to ensure consistent compliance with Permit effluent limits and exceedences of ammonia and TKN effluent limits occurred again in April and June. On June 30, 2003, representatives of Purcellville met with DEQ staff to discuss Purcellville's strategy for ensuring consistent compliance at the Facility. The Order requires that Purcellville upgrade the Facility to correct design deficiencies to ensure compliance with final Permit effluent limits by May 2005. In addition, the Order requires that Purcellville submit an I&I evaluation to DEQ by December 30, 2004. Finally, the Order provides interim limits for ammonia, total kjeldahl nitrogen, total suspended solids, and CBOD₅ while construction of the upgrade is underway. Civil Charges: none. Public Comment: none.

Cecil's Service & Equipment STP, Fauquier County. Consent Special Order. Cecil's Service & Equipment (Cecil's) STP is a septic tank and sandfilter treatment system with a design flow of five thousand gallons a day. The STP services a convenience store, service station, retail auto center, and a dry cleaning facility. Because of its design, the STP is unable to comply consistently with final Permit effluent limits for ammonia, total suspended solids (TSS), and biochemical oxygen demand ("BOD"), especially during cold, wet weather. Cold temperatures and high flows due to heavy rainfall during last winter contributed to the effluent limit exceedences that occurred from December through February because such conditions reduce the sandfilter's treatment efficiency by slowing biological processes and reducing treatment time. The Fauquier County Water and Sanitation Authority (FCSA) is in the process of extending sewer lines to the New Baltimore area where Cecil's is located. In accordance with the Occoquan Policy, Cecil's plans to connect to the FCSA system and take the STP off-line as soon as service becomes available. To that end, Cecil's has posted a \$78,000.00 bond with FCSA. FCSA estimates that service may become available in the latter half of 2004. In July 2003, Cecil's submitted a plan and schedule for upgrading the STP in phases to ensure compliance with Permit effluent limits until the FCSA connection becomes available. The Order requires that Cecil's upgrade the STP in phases to ensure consistent compliance with final Permit effluent limits. Pursuant to the Order, Cecil's completed the first phase of the upgrade in September 2003. The cost of the phased upgrade is estimated to be between \$9,000 and \$19,000, depending on whether the second phase becomes necessary. The Order also requires that Cecil's connect the facility to FCSA when a connection becomes available and take the existing STP off-line. If the connection does not become available before June 30, 2005, Cecil's will submit to DEQ a plan and schedule for either a major upgrade or replacement of the existing STP. Civil Charges: \$1,008. Public Comment: closes December 3, 2003.

Stafford Regional Airport Construction Project, Stafford Regional Airport Authority, Stafford County. Consent Special Order. The Stafford Regional Airport Authority (Airport Authority) began construction of the Stafford Airport (Airport Project) in the summer of 1998. The Airport Project encompassed approximately 550 acres and was completed in the spring of 2001. On April 29, 2002, DEQ staff conducted a site inspection at Stafford Regional Airport pursuant to a pollution complaint concerning odor problems and possible stream impacts due to runoff from the site. During the site inspection, DEQ staff observed substantial erosion and off-site impacts from that erosion to Reedy Branch, its unnamed tributary, and an adjacent wetland. A review of DEQ files by staff subsequent to the April 29th inspection showed that the Airport Project had been included in the Registration Statement for coverage under the General Permit that Stafford County had submitted for the construction of the Airport Access Road Project in October 2001. In correspondence dated October and November 2001, DEQ informed Stafford County and the Airport Authority that there were deficiencies in the Registration Statement and that the Airport Authority required a separate Registration Statement for coverage under the General Permit. In additional correspondence the following May, DEQ again reminded the Airport Authority of the need to obtain Permit coverage. DEQ conducted additional site inspections in July, September, and December 2002 in order to monitor conditions at the site to ensure no additional offsite impacts occurred and that the Airport Authority began planning for and implementing necessary corrective actions. The Airport Authority submitted a registration statement for construction of the Airport Project on October 31, 2002, and on November 13, 2002, DEQ registered the Project under General Permit No. VAR101688, one year after the Project was completed. Subsequent inspections indicate that the Airport Authority has taken sufficient corrective actions to mitigate offsite impacts to the streams. On November 13, 2002, DEQ and the Army Corps of Engineers ("Corps") conducted a site inspection to assess any impacts to the wetland that may have been caused by construction of the Airport Project. During the inspection, DEQ and the Corps observed that runoff from the Airport Project had deposited silt over approximately 1.1 acres of palustrine emergent wetland (PEM) to a depth of 12 - to -18 inches above the original wetland substrate.

According to DEQ records, the Airport Authority has not obtained a Virginia Water Protection (“VWP”) Permit authorizing any impacts to wetlands as required by the State Water Control Law and Regulations. The proposed Order requires that the Airport Authority address outstanding compliance issues resulting from the construction of the Airport Project. Pursuant to the Order, the Authority will restore or stabilize eroded areas and repair and properly maintain erosion and sediment controls (e.g., drainage ditches and silt fences). In addition, the Order requires that the Airport Authority apply for and obtain a VWP Permit for the purpose of mitigating the impact to the wetland caused by the unauthorized filling. As part of the mitigation required by the Permit, the Airport Authority has agreed to submit to the Virginia Wetlands Restoration Trust Fund an in-lieu fee of \$137,720.00 to compensate for the 1.1 acres of impacted wetland. Civil Charge: \$24,000. Public Comment: closes December 3, 2003.

Glenn M. Koogler, Rockbridge County. Consent Special Order. Glenn M. Koogler owns and operates a wastewater treatment facility (“the Facility” or the “Plant”) serving the Raphine Limited Partnership Motel, the Raphine Wilco and Raphine Texaco service stations, a restaurant, and a trailer park in Rockbridge County, Virginia, which is the subject of the VPDES Permit No. VA0068454 (“the Permit”). The Facility discharges treated wastewater to Moores Creek in the Upper James River basin. A 1999 Order required Koogler to submit plans and specifications for Plant upgrades to ensure compliance with the Permit or, to obtain from Rockbridge County a formalized plan and schedule of corrective actions to ensure Plant compliance in a timely manner. In December 1999, Rockbridge County submitted a plan to construct a sewage treatment plant to serve the properties connected to the Facility. This plan projected a completion date of December 2002, for the proposed sewage treatment plant. In June 2000, DEQ requested that Koogler submit plans and specifications for plant upgrades to improve the plant’s performance until it could be taken offline to a County plant. In August 30, 2000, Koogler submitted a proposed interim plan of corrective actions to improve the Facility’s performance until it could be taken offline to a Rockbridge County plant. As part of its plan to construct an STP to serve Koogler, the County obtained a VPDES Permit in October 2000. However, the County subsequently altered its plans and decided not to pursue construction of the plant. On April 10, 2002, Koogler coordinated and conducted a meeting with a number of parties that were interested in sewer service for the Raphine area to discuss options for providing that service. Rockbridge County also participated in this meeting. In October and November 2002, Rockbridge County conducted two public meetings concerning the potential options for providing sewer service to the Raphine area. The County indicated that if the project is approved, the sewer line connection project may be completed within approximately 2 ½ years to 3 ½ years. The Order requires Koogler to come into compliance with the Permit, State Water Control Law and Regulations by December 31, 2006, by either connecting the Facility to public sewer and, thereby, eliminating all discharges from the Facility; installing an on-site disposal system approved by the local Department of Health and closing the Facility; thereby eliminating all discharges from the Facility; and upgrading the Facility to meet the Permit’s final effluent limitations. As of November 14, 2003, DEQ reinitiated negotiations with Koogler to revise the Order to include more stringent and specific interim effluent limits. If Koogler agrees to the revisions, these interim limits will be included in the Order for the Board’s review and approval. Civil Charges: \$7,500. Public Comment: none.

Pilgrim’s Pride, Inc., Rockingham County. Consent Special Order. Pilgrim’s Pride owns and operates a wastewater treatment facility serving the poultry processing company located in Hinton, Rockingham County, Virginia. In October 2002, Pilgrim’s Pride completed the second of two phases of wastewater treatment plant upgrades. These changes in the treatment scheme added an extensive amount of new equipment and operational changes. The company found the new treatment scheme more difficult to operate than the previous plant. By June 9, 2003, Pilgrim’s Pride completed further modifications/upgrades to the sewage treatment portion of the plant. The modifications included the installation of settling tanks and a clarifier and the installation of new chemical feed pumps to improve the

chlorination and dechlorination treatment processes. The Facility has been in compliance since the completion of the June 2003 modifications to the treatment system. The proposed Order would require the Facility to monitor the plant performance for a period of six months and if the plant experiences significant effluent violations to provide a plan and schedule of corrective actions. Upon approval of this plan it would be incorporated by reference into the Order. Civil charge: none. Public Comment: closes November 9.

AquaSource Utilities, Inc./Lake Monticello Service Company, Fluvanna County. Consent Special Order. Lake Monticello Service Company ("Lake Monticello") owns and operates a wastewater treatment Facility serving a planned residential community located at the intersection of Routes 600 and 618 in Fluvanna County, Virginia. During the months of November 2002 through July 2003, the monthly average flows through the Facility have exceeded the Facility's 0.6 MGD design capacity. In addition, the Facility exceeded the Permit's new increased flow tier of 0.995 MGD for the monthly average flow during February 2003 and has experienced occasions when the maximum daily flow through the Plant has exceeded 3.0 MGD. These exceedances of the design capacity appear to coincide with periods of wet weather. The Facility is presently subject to a June 21, 1999, Consent Order. The 1999 Order required Lake Monticello to conduct collection system rehabilitation to address Inflow and Infiltration (I/I) by annually repairing/replacing manholes in a prioritized manner and replacing pump stations that are significant sources of overflows and bypasses. The goal of the collection system repair and replacement work was to substantially eliminate wet weather induced overflows from the collection system by May 2002. Lake Monticello substantially completed the I/I work required by the 1999 Order by repairing/replacing over 678 manholes and 7 pump stations within the collection system. The Commonwealth began to experience wet weather conditions beginning in October 2002. The Lake Monticello collection system has experienced numerous overflows since the onset of the wet weather. These overflows have been attributed to both wet weather hydraulic problems and mechanical problems. The extent of the collection system's I/I problems was apparently masked due to the extended drought. The frequency and repeated nature of these unpermitted discharges indicates that the Company continues to experience significant inflow and infiltration and pump station O&M problems. The proposed Order would require the Facility to meet final effluent limits and require Lake Monticello to upgrade the Facilities to address disinfection, solids management and disposal, and hydraulic capacity problems. The Order would also require Lake Monticello to upgrade certain pump stations in the collection system and conduct other collection system upgrade work to ensure that wastewater is properly conveyed to the sewage treatment plant. The Order would also contain a civil charge. As of November 14, 2003, DEQ reinitiated negotiations with Lake Monticello to revise the Order to include more stringent and specific interim effluent limits. If Lake Monticello agrees to the revisions, these interim limits will be included in the Order for the Board's review and approval. Civil Charges: \$36,000. Public Comment: closes November 9.

S&S Construction, LLC, Blacksburg. Consent Order. S & S Construction, LLC ("S&S") performed construction activities that disturbed a total of five acres in the Northside Subdivision ("NS") in Blacksburg. Development of the NS property is subject to a VPDES storm water general permit. S&S did not have a permit when construction began. DEQ inspected the NS property on March 4 and May 23, 2003, and observed unauthorized storm water discharges with marginal impacts on both dates. DEQ issued a NOV to S&S on May 13, 2003. S&S submitted a registration statement and permit fee for the NS site on June 6, 2003. The consent order before the Board would require S&S to pay a civil charge for unauthorized discharges and for failure to submit a registration statement and permit fee. Civil Charge: \$3,000. Public Comment: none.

Suncrest Heights STP, Roanoke County. Consent Order. The Suncrest Heights STP services a sub-development of approximately 25 homes. The Facility is a 0.020 MGD trickling filter plant with an Imhoff tank, dosing tank, trickling filter, clarifier, chlorine disinfection, and dechlorination. The Board issued VPDES permit VA0028711 to the Suncrest Water Company for operation of the facility. On May 20, 2003, Roanoke County staff informed DEQ that the County intended to acquire the Suncrest Heights STP and operate it until it could be connected to public sewer. The VPDES Permit expired on July 30, 2003. The County obtained title to the facility on August 30, 2003. The County took over operation of the Suncrest Heights STP with the intent to connect the facility to public sewer as soon as possible. The Order before the Board grants interim authority to the County for operation of the Facility and requires the County to either connect to public sewer and close the STP or submit an application for a VPDES permit by June 30, 2004. Civil Charges: none. Public Comment: none.

Town of Big Stone Gap. Consent Special Order. The Town of Big Stone Gap operates its wastewater treatment plant and associated wastewater collection system pursuant to VPDES Permit VA0020940. Beginning in April, 2001 and continuing to the present time, the Town of Big Stone Gap has been issued several warning letters and Notices of Violation for sewage system overflows. The Town has corrected some of the acute problems but sewer system defects over large areas of the Town continue to cause sewage overflows and exceedences of the Board's 95% Sewage Plant Loading regulation provisions. The Town's consultant has performed an engineering evaluation of the problem and has proposed rehabilitation of the system in a prioritized approach with the most severe areas being rehabilitated first. The proposed Consent Special Order requires the Town of Big Stone Gap to 1) perform line and manhole replacement and/or repair in accordance with the April 11, 2003 submittal by Lane Engineering, 2) totally eliminate the overflows in the referenced areas (Areas 1 through 10) by July 15, 2006, and 3) provide semiannual reports to DEQ on progress of the Infiltration/Inflow work. Area 1 (downtown) has been completed and Area 2 is nearing completion. Line and manhole replacement and the elimination of storm drains were the focus in these areas. The Total project cost is estimated at slightly over \$1 Million. The Town has applied to DEQ's Revolving Loan Fund for \$860,000 in loan funds and has been granted tentative approval. Civil Charge: \$2,700. Public Comment: none.

Town of Pocahontas. Consent Special Order. The Town of Pocahontas operates its wastewater treatment plant and associated wastewater collection system pursuant to VPDES Permit VA0029602. DEQ sampling and inspection of the sewage treatment plant, collection system, and receiving stream revealed that 1) the plant and collection system were not being properly operated, 2) the communitor was inoperable, 3) an overflow pipe had been installed that allowed excess flow to bypass to Laurel Creek, 4) effluent violations were occurring for ammonia, chlorine and fecal coliforms, 5) excessive infiltration contributed excessively high flows to the treatment plant and 6) the plant's poor effluent quality was causing water quality standards violations in Laurel Fork. In response to DEQ's Notice of Violation issued to the Town on July 31, 2002, the town plugged the bypass. A November 13 and 14, 2002 inspection of the plant revealed that the communitor and emergency pump remained inoperable, that the pump station had flooded (since the bypass was no longer operable), and that the operator was pumping sewage from the flooded pump station into Laurel Fork to avoid flooding/damaging the pumps. The Pocahontas Sewage Treatment Plant was constructed in 1974 and essentially worn out. Frequent flooding in the Town has damaged sewer interceptors and laterals causing defects in both lines and manholes. These defects now contribute excessive infiltration/inflow to the system that overloads the plant. Populated areas both upstream and downstream of the existing plant and collection system have many raw sewage discharges from individual homes. Laurel Creek is listed as a TMDL listed segment because of fecal coliform and low dissolved oxygen. Both the Town and the surrounding unsewered communities contribute to this problem. The staff believes that a regional sewage collection and treatment system is the solution to these problems. The proposed Consent Special Order requires the Town to, among other

things, 1) install the communitor and either repair or replace the sewage lift station emergency pump, 2) conduct an engineering evaluation survey for plant upgrade and I/I elimination, 3) provide a schedule of compliance for plant upgrade or connection to a Public Service Authority owned regional system, 4) prepare a preliminary engineering report (PER) for line repair/replacement, 5) secure funding for selected alternatives for plant and lines, and 6) complete plant construction and line repair in accordance with a DEQ approved schedule. Civil Charge: \$1,800. Public Comment: none.

Wolfden Dairy Farm, Abingdon. Consent Special Order. Wolfden Dairy, operated by Thomas R. Van Dyke, is regulated by Virginia Pollution Abatement Confined Animal Feeding Operation (CAFO) General Permit VPG110007. In response to an overflow from the Wolfden Dairy waste holding pit and other violations of the manure storage and operational requirements of the permit, a Letter of Agreement between DEQ and Mr. Van Dyke was negotiated and signed on September 10, 2002. The Letter of Agreement required Mr. Van Dyke to come into compliance with the terms and conditions of the permit, handle the waste in accordance with the Dairy's nutrient management plan and to maintain a minimum of one foot of freeboard at both manure holding pits. On January 13, 2003, Mr. Van Dyke reported an overflow from the smaller of the two lagoons caused by a broken valve. Dairy staff corrected the broken valve but did little to decrease or contain the discharge of manure to state waters. Subsequent to the January 13th discharge, the Southwest Regional Office of DEQ put together a proposed Consent Special Order similar to the current proposed order but containing a \$2000 civil charge. Before regional staff could get that order finalized, Mr. Van Dyke's employees were pumping the manure pits to the land application site, went to lunch leaving the pump running, and discharged a substantial volume of manure to the unnamed tributary of the Middle Fork Holston River via overland flow of the waste. The proposed Consent Special Order that requires Wolfden Dairy to, among other things, 1) meet with the Department of Conservation and Recreation Nutrient Management Specialist to review the Nutrient Management Plan, 2) adhere to the manure application rates and schedules contained in the Plan, 3) completely empty both manure holding ponds twice per year, in the spring and fall, 4) maintain a minimum of one foot of freeboard on both manure holding ponds at all times, 5) report all discharges promptly, and 6) provide monthly status reports on various aspects of nutrient management activities at the operation. Civil Charge: \$7,000. Public Comment: none.

Atlantic Wood Industries, Inc., Southampton Co. Consent Special Order. Atlantic Wood Industries, Inc. operates a wood treating facility that was issued VPDES Permit VA0059056 on June 20, 2000 for a stormwater discharge. Part I.A of the permit requires the facility to monitor stormwater runoff from outfall 002 on a quarterly basis for copper, chromium, arsenic, COD, TSS and total petroleum hydrocarbons. The facility failed to monitor during six quarters in the last two years. The facility submitted quarterly discharge monitoring reports indicating no discharge from the facility. A review of rainfall data for the two year period indicated that sufficient rainfall occurred to cause discharges during the periods the facility reported that no discharges had occurred. The reporting discrepancies were noted during an inspection on December 10, 2002. Part II.A of the permit requires that monitoring be performed in accordance with procedures approved in 40 CFR Part 136 of the Federal regulations or alternative methods approved by EPA. Approved methods require that dissolved metal analyses be field filtered and preserved. Metal samples were not properly filtered and preserved during the 1st quarter of 2002. The proposed consent order requires the Company to comply with all the provisions of the permit. Civil Charge: \$6,200. Public Comment: closes December 3, 2003.

Eagle Harbor Shopping Center, L.L.C., Isle of Wight County. Consent Special Order. Eagle Harbor Shopping Center, L.L.C. (EHSC) is constructing a commercial development located in Isle of Wight County, VA. This development is part of the Eagle Harbor residential subdivision and encompasses approximately 14 acres. Development of the property is subject to Virginia Pollutant Discharge

Elimination System General Permit for Storm Water Discharges from Construction Activities No. VAR101631. DEQ inspected the EHSC development six times between December 13, 2002 and March 6, 2003. During these inspections, DEQ observed two unauthorized discharges, which EHSC failed to report. Other documented permit violations included: 1) erosion and sediment controls not installed and/or maintained; 2) soil stockpiles not correctly maintained, stabilized, and /or protected with sediment trapping devices; 3) major grading activities and initiation of stabilization measures not documented; 4) contractor and subcontractor certifications not recorded in the storm water pollution prevention plan; 5) failure to minimize transport of sediment onto paved surfaces; and 6) inspections not performed and /or not documented in accordance with the permit. This consent special order settles the violations of the VPDES Permit and requires EHSC to comply with the permit. Civil Charge: \$9,200. Public Comment: closes December 3, 2003.

Rhonda Chase, York County. Consent Special Order. Rhonda Chase is the owner of two adjacent lots located at the end of Bay Tree Point in the Seaford section of York County. Bay Tree Point is a narrow neck of low-lying land surrounded on three sides by the Chesapeake Bay and Bay Tree Creek. She was notified by the Army Corps of Engineers ("ACOE") on three occasions that wetlands on the site needed to be delineated prior to commencing land clearing activities. On February 25, 2003, the adjacent landowner, notified DEQ of land clearing operations performed on the Chase property and continuing onto his property. DEQ and the ACOE subsequently determined that 7,028 square feet (0.16 acres) of palustrine forested wetlands were impacted by the clearing. On August 4, 2003, DEQ received a permit application prepared by Environmental Specialties Group, Inc. on behalf of Ms. Chase for a Virginia Water Protection ("VWP") permit to improve the access road to the Chase property. The application noted that the applicant had already placed fill on 2,500 square feet of tidal wetlands. It requested an after the fact permit for the fill already placed and authorization to place an additional 1,153 square feet of fill. These impacts are separate from the earlier clearing of the site. The total amount of impacted wetlands is approximately 0.22 acres. The impacted wetlands are a mixture of high quality palustrine forested wetlands and tidal wetlands. Some of the cleared wetlands will naturally revegetate. Approximately 3,386 square feet will require restoration. Ms Chase has submitted an after the fact Virginia Water Protection ("VWP") permit application which is under review by the staff. The proposed consent order requires Ms Chase to comply with all the provisions of the permit if the permit is issued. It also requires the submittal of an approvable plan and implementation schedule for restoration of the impacted wetlands not covered by the permit application. Civil Charge: \$3,000. Public Comment: closes December 3, 2003.

Raymond Strange/Willis Road Shell, Richmond. Consent Special Order. Willis Road Shell has three Underground Storage Tanks (USTs) used for dispensing gasoline and one UST for waste oil. Department personnel inspected the facility and discovered that the facility did not 1) up-grade a waste oil UST prior to the December 1998 deadline; 2) provide leak detection on the product piping lines; and, 3) did not have financial assurance. The three USTs used for gasoline were upgraded as required by 9 VAC 25-580-60, but not the waste oil tank. In addition, even though leak detection was in place for the tanks, there was no leak detection provided for the product pipes. On October 10, 2002, Staff from the Virginia Department of Transportation (VDOT) discovered a release of petroleum products from the Willis Road Shell and called the local fire department. The Fire Department recovered over 1000 gallons of free product. Three days after the release the owner claimed responsibility and notified the Department of the event. A Notice of Violation (NOV) was issued on December 18, 2002, citing the facility for the above violations. On January 7, 2003, the Department met with the owner and discussed the violations and the draft Consent Special Order. The Order requires an upgrade or closeout of the wasteoil UST, a report with leak detection analysis for the product piping, and the submittal of financial assurance. Civil Charge: none. A \$13,500 civil charge was calculated based on the violations, however financial records submitted by the

Facility demonstrated a financial hardship and the inability to pay a civil charge. Public Comment: closes November 28, 2003.

Consideration of Citizen Petition for Ragged Island Creek for Exceptional Waters Designation. Staff intends to ask the Board for approval to go to public hearing and comment on a revised proposal for Tier III, Exceptional State Waters designation of a portion of the main stem of Ragged Island Creek in Isle of Wight County. The rulemaking has proceeded through the Notice of Intended Regulatory Action with two public meetings and a comment period, which ended July 25, 2003. Because of unresolved issues raised during the public comment period regarding the proposed boundary descriptions for Ragged Island Creek and the restrictions such a designation would place on the issuance of storm water permits, Department staff advised the State Water Control Board at their October 28, 2003 meeting that they were using the participatory approach and that they had formed an ad hoc advisory committee to work through the issues. Staff met with the advisory committee on November 6, 2003 at the Department's Tidewater Regional Office in Virginia Beach and have completed this effort in time to appear before the Board with recommendations at the next scheduled meeting of the Board on December 4, 2003.

Underground Storage Tanks: Technical Standards and Corrective Action Requirements regulation (UST Technical Regulation) contains standards for UST system design, installation, operation, release detection, and closure. The regulation also contains requirements for reporting releases, investigating suspected releases, and taking corrective action following a release. The only major amendment not related to changes in Virginia Law and the Federal UST regulation deals with deletion of the requirement for tank owners/operators to obtain a Corrective Action Permit from the Department prior to initiating corrective actions.

Proposed Virginia Financial Responsibility Requirements for Tidal Dredging Mitigation Projects, 9 VAC 25-770-10 et seq.--Final Regulation. This regulation requires persons who apply for a Virginia Water Protection Permit for certain tidal dredging projects to provide evidence of financial responsibility for the completion of required compensatory mitigation activities. If the permittee chooses to mitigate by purchasing mitigation bank credits or donating money to an in-lieu fee fund, the regulation requires documentation of the purchase or donation before the onset of any activity in the permitted area. If the permit holder chooses to implement any other type of compensatory mitigation, the regulation allows permit holders to demonstrate financial responsibility by obtaining and submitting a letter of credit, performance bond, certificate of deposit, or a copy of the financial responsibility documentation provided to and approved by the U.S. Army Corps of Engineers for the same project. We anticipate that this regulation will affect no more than ten applicants per year. We received only one public comment on this proposed final regulation. No changes are proposed as a result of those comments as the requested changes are either beyond our statutory authority or are already covered within the Virginia Water Protection Permit Regulation itself.

Sewage Collection and Treatment (SCAT) Regulation as State Water Control Board Regulation 9 VAC 25-790. The Sewage Collection and Treatment (SCAT) regulation, which is currently coded as a Virginia Department of Health regulation, provides for control of sewerage and sewage treatment works. Through passage of House Bill 2602 the General Assembly amended and reenacted the State Health Code (§32.1-164) and the State Water Control Law (§62.1-44.3, 62.1-44.18 and 62.1-44.19) to transfer responsibility for supervision and control of sewerage and sewage treatment works from the Virginia Department of Health to the State Water Control Board. Because of this transfer of statutory authority the Board and the Department of Environmental Quality are now responsible for implementation of the SCAT regulation, and it is necessary to amend and re-codify it. This regulation was Health Department regulation 12 VAC 5-581. It will become State Water Control Board regulation 9 VAC 25-790. The changes that have been

made to the regulation in order to make the transition to a State Water Control Board regulation are those that were necessary in order to make the regulation conform to this agency's statutory authority, code citations, organization and terminology.

Technical Correction to the Ammonia Criteria in the Water Quality Standards VAC 25-260-155 subsections D and E. Staff intends to ask the Board for approval of a technical correction to recently effective amendments (August 27, 2003) of the Water Quality Standards at 9 VAC 25-260-155.D and E. A typographical error was found after the adoption of these criteria in a portion of the formula utilized to calculate acute and chronic ammonia criteria for saltwater.

FY 2004 VWRLF Loan Authorizations. Title VI of the Clean Water Act requires the yearly submission of a priority funding list and an Intended Use Plan in conjunction with Virginia's SRF Capitalization Grant application. Section 62.1-229 of Chapter 22, Code of Virginia, authorizes the Board to establish to whom loans are made, the loan amounts, and repayment terms following consultation with the Virginia Resources Authority (VRA). The next step in this yearly process is for the Board to set the loan terms and authorize the execution of the loan agreements. The Board, at its meeting on October 28, 2003, targeted 24 projects for \$189,819,049 in loan assistance from available and anticipated FY 2004 funds and authorized the staff to present the proposed funding list for public comment. Subsequent to the Board's action, a public meeting will be held on December 3, 2003 in Richmond. The staff will provide the Board with the results of this meeting. The staff has completed conducting initial meetings with the targeted FY 2004 loan recipients. The staff is still receiving additional information on some of the projects and finalizing the projects' user charge impact analyses and will be forwarding the suggested rates and information to VRA for its concurrence or recommendation. VRA will prepare the credit summaries and financial capability analyses on the localities targeted for FY 2004 funding, looking at repayment capability, and the individual loan security needs based on the Board's loan authorizations below.